

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 643, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG PRODUCT—DR. PETERS' HEADACHE POWDERS.

On or about January 28, 1909, the Delaware Drug Company, a corporation, Hancock, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Dr. Peters' Headache Powders 1 oz. 280 grains phenylacetamide. They will relieve headache, neuralgia, pains in any part of the body in 15 minutes. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 1216. Delaware Drug Co., Hancock, N. Y." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Delaware Drug Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of New York against the said Delaware Drug Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the said label and the representations and statements contained thereon were false and misleading and intended and calculated to deceive, because the container of the product failed to bear any statement of the quantity or proportion of acetanilid present in said drug, which in truth and in fact contained a certain proportion of acetanilid.

On December 8, 1909, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

